**FARAD CONTINUATION SHEET NO.**
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**APPELLATE SIDE**
**NAGPUR BENCH, NAGPUR**

Second Appeal No.234/2000

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| Appeal<br>Application No.<br>Writ petition | District :<br>of 200 |

| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders |
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**CORAM : Smt. V. A. Naik, J.**
**DATED : April 17, 2007.**

Heard the learned counsel for the parties.

The appellant is the original plaintiff. A suit was filed by the plaintiff for decree of possession on the ground that the defendant had encroached upon 16' X 12' land in the courtyard of the plaintiff. The defendant denied the claim of the plaintiff and pleaded that the land in question belongs to Government and the Government had granted occupancy right to the defendant over the suit land.

The trial and the appellate Court, on the appreciation of the evidence on record, held that the plaintiff had failed to prove that the site ABCD shown in the plaint map belongs to the plaintiff and further failed to prove that the defendant encroached upon

the site involved in the suit.

The findings recorded by both the Courts are pure findings of facts which do not give rise to any substantial question of law.

Consequently, the second appeal is dismissed with no order as to costs.

**Civil Application No. 4360/2000**

Since the second appeal is dismissed, the civil application also stands dismissed.

**JUDGE**

RMP